

REMARKS

Reconsideration and allowance are requested.

The Examiner now objects to the claims under 35 U.S.C. §112, first paragraph. In a telephone interview conducted with the Examiner on July 23, 2010, the Examiner clarified that the independent claims should specify that the method in claim 1 is performed by a radio base station, e.g., a node B, and that the node in claim 15 is a radio base station. Those clarifications are adopted. Withdrawal of this rejection is requested.

The Examiner rejects claims 1, 2, 4, 9, 13-16, 18, 23, and 26-30 under 35 U.S.C. §103 for being unpatentable based on previously-applied Terry. This rejection is respectfully traversed.

During the telephone interview, Examiner Beyen indicated that with the amendments to claims 1 and 15 indicated above, the prior art rejections based on Terry would be overcome.

Accordingly, for the reasons set forth in the earlier responses and the interview conducted on April 21, 2010, the prior art rejections should be withdrawn. The application is in condition for allowance. An early notice to that effect is solicited.

Respectfully submitted,

NIXON & VANDERHYE P.C.

By: _____


John R. Lastova
Reg. No. 33,149

JRL:maa
901 North Glebe Road, 11th Floor
Arlington, VA 22203-1808
Telephone: (703) 816-4000
Facsimile: (703) 816-4100